



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,927	02/03/2004	Homare Okamoto	1309.43472X00	1901

24956 7590 12/15/2005

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

CHU, GABRIEL L

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,927

Applicant(s)

OKAMOTO ET AL.

Examiner

Gabriel L. Chu

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0505 0914 0111</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Japan on 29 September 2003. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date. This is in reference to Application Number 2003-337239 [JP2003-337239]. Application 2003-393647 has been properly claimed in the oath/declaration. Examiner further notes that the application data sheet only has reference to 2003-393647.

Claim Objections

2. Claims 1 objected to because of the following informalities: Referring to claim 1, "a upper-level" is understood to refer to "an upper-level". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-6, 8, 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Art Unit: 2114

5. Referring to claims 1, 3, 4, and subsequently claims 2, 5, and 6, there is inconsistent use of the words “compute” and “recalculate”. For “the output guarantee code recalculated”, this is understood to refer to the computing performed by the guarantee code computing unit.

6. Referring to claim 1, and subsequently claims 2-6, it is not clear to what data “the data” computed by the guarantee code computing unit refers. It is further unclear if Applicant intends this ambiguity as up until that point, Applicant used “the data” to refer to the data in the internal memory, however, from claims 2 and 4, it is apparent that Applicant’s invention computes guarantee codes for both partial and all data. For the purpose of examination, “compares the input guarantee code and the output guarantee code recalculated” is understood to refer to “compares the input guarantee code initially computed and an output guarantee code computed for partial data or all data”. Subsequently, the data of “determines that transmission of the data” is understood to refer to this partial or all data.

7. Referring to claim 8, step nine’s “rereading data stored in the internal memory” is understood to refer to “rereading the data stored in the internal memory”, in light of the prior partial reread of step eight. Subsequently, step ten’s “all of the reread data” is understood to refer to the reread data of step nine, and not step eight.

8. Referring to claim 9, “the data in a case where the data is stored in the internal memory”, it is not clear to what data “the data” refers. As previously indicated, data may be read from a storage device or received from an upper-level device. “the data in a case where the data is stored in the internal memory” is understood to refer to “data

Art Unit: 2114

stored in the internal memory". Similarly, in the following limitation, "the data in a case where the data is read from the internal memory" is understood to refer to "data read from the internal memory".

Further in claim 9, in "partial data of the data is to be retransmitted", it is not clear to what data "the data" refers. It is understood to refer to "the data stored in the internal memory". Similarly, the data referred to in "recalculate the output guarantee code in regard to the data" is understood to refer to "the data stored in the internal memory".

Allowable Subject Matter

9. Claims 1-6, 8, 9 are rejected on matters of clarity as noted above, but are understood to contain allowable subject matter if rewritten to overcome the matters above.

10. Referring to claims 1-6, the prior art does not teach or fairly suggest a channel adapter comprising a control unit which, in a case where partial data is retransmitted, compares the input guarantee code initially computed and an output guarantee code computed for partial data or all data to determine if transmission has been conducted normally, in the scope and context of claim 1.

11. Referring to claim 8, the prior art does not teach or fairly suggest reading the partial data in a case where there is a request to retransmit the partial data, rereading the data stored in the internal memory, again computing the output guarantee code in regard to all the reread data, and determining whether transmission has been conducted normally by comparing the again-computed output guarantee code and the input guarantee code, in the scope and context of claim 8.

Art Unit: 2114

12. Referring to claim 9, the prior art does not teach or fairly suggest a channel adapter including a control unit which, in a case where partial data of the data in the internal memory is to be retransmitted, uses the output guarantee code computing unit to recalculate the output guarantee code in regard to the data stored in the internal memory, and compares the recalculated output guarantee code with the input guarantee code to determine if transmission has been conducted normally, in the scope and context of claim 9.

13. Claims 7 and 10 allowed.

14. The following is an examiner's statement of reasons for allowance:

Referring to claim 7, the prior art does not teach or fairly suggest determining the transmission of the partial data has been conducted normally in a case where both guarantee codes match, in the scope and context of claim 7.

Referring to claim 10, the prior art does not teach or fairly suggest transmitting partial data and reading all the data from the internal memory and nullifying the read data without transmitting it, in the scope and context of claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-

Art Unit: 2114

3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gabriel L. Chu
Examiner
Art Unit 2114

gc